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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,831	09/26/2003	Mark Alan Burazin	18,248	1331
23556	7590	03/17/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC.			HUG, ERIC J	
401 NORTH LAKE STREET			ART UNIT	
NEENAH, WI 54956			PAPER NUMBER	
			1731	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,831	BURAZIN ET AL.	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-36 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 13-15, 20, 23, 26, 27, 29, 31, 37-42 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10-12, 16-19, 21, 22, 24, 25, 28, 30 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following:

Page 2, lines 26-31 recites: "... in which a web of papermaking fibers is supported by the web-contacting surface of a forming fabric, wherein the forming fabric is supported by an open form roll sleeve which imparts a watermark to the web, wherein the open form roll sleeve is purposefully modified, either while the form roll sleeve is on-line or off-line, such that the watermark imparted by the open form roll sleeve is changed". If the web is supported by a forming fabric, it is not clear how the roll sleeve imparts a watermark to the web when the roll sleeve is supporting the forming fabric. It is also not clear why the open roll form roll sleeve would be modified when it is the forming fabric that supports the web and imparts structure thereto.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38 recites: "... in which a web of papermaking fibers is supported by the web-contacting surface of a forming fabric, wherein the forming fabric is supported by an open form roll sleeve which imparts a watermark to the web, wherein the open form roll sleeve is purposefully modified, either while the form roll sleeve is on-line or off-line, such that the watermark imparted by the open form roll sleeve is changed". If the web is supported by a forming fabric, then the roll sleeve cannot impart a watermark to the web because it is supporting the forming fabric.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-9, 13, 14, 23, 26, 27, 29, 31, 37, 39-42, and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindsay et al (US 6,120,642).

Lindsay discloses a papermaking fabric comprising a three-dimensional non-woven web-contacting surface. The three-dimensional structure of the fabric imparts a three-dimensional pattern to a tissue web during wet molding. Column 5, line 62 to column 6, line 10 discusses the possible materials for the non-woven surface layer. This includes foams, fibrous webs or mats, and extruded networks. In one embodiment, the fabric comprises a shaped, foam-like upper layer for the web-contacting surface.

The fabric can be made by shaping an existing composite fabric, which is preferred when the texture of the existing fabric is undesirable. See column 7, line 66 to column 8, line 5. When a surface is not preferred for imparting a desirable texture to the paper web, three-dimensional variations of existing structures are modified by regulating the amount of deposited materials (e.g., foam) applied to various regions of the existing fabric. Also, an existing fabric can be carved or shaped before or after hardening of the deposited material. The surface structure can be modified by pressing against another textured surface, or by selective abrasion, sanding, laser drilling, or other forms of mechanical removal of the surface structure. If a nonwoven material is attached to an underlying woven fabric, the three-dimensional shaping of the nonwoven layer can be provided by adding or removing material at desired locations. A three-dimensional structure can also be imparted by creating holes or slits by mechanical punching, cutting, stamping, or drilling. A three-dimensional structure can be created by altering the density of the nonwoven layer to create thick and thin regions. Combinations of heterogeneous basis weight and heterogeneous density may be used to create a three-dimensional nonwoven layer. See column 8, lines 6-27.

The aforementioned features read on claims 1-3, 6-9, 13, 14, 23, 26, 39-42, and 44-46. Processes for making paper using the fabric are described in the Examples. Included is the use of a fabric in a throughdrying process, which reads on claims 27, 29, and 30. Watermarking is disclosed in column 6, line 64, which reads on claim 37.

Art Unit: 1731

4. Claims 1-3, 6, 8, 9, 39, 40, 42, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Stech (US 4,842,905).

Stech discloses a papermaking fabric which is a tessellation of interlocking elements 2. In Figure 6, the elements 2 are shown as having a plurality of apertures 42, which define the permeability, drainage characteristics, or surface structure of the fabric. Apertures 42 are provided in the element 2 at the time it is produced or at a later time, whereby a fabric is modified to meet the different environments which exist on the paper machine. In addition to producing apertures in the fabric, it is also possible to produce surface characteristics on the fabric 40 such as through the use of a heated calender roll or embossing roll. This provides the fabric with flexibility of design. The elements are constructed from materials other than filament materials or yarn structures. Elements may be laminated, extruded or stamped from sheet material. The fabric may have characteristics of several materials within a single fabric. This permits the fabric to accommodate the characteristics and environment of the papermaking equipment. It also provides the advantage of fabric repair by replacement of elements in a tessellation. Thus, a fabric need not be discarded if damaged. Good relatively unworn elements may also be reused in other fabrics or as repair elements. See column 9, lines 1-6.

5. Claims 1-3, 6, 8, 13-15, 20, 39-42, and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Benz (US 3,881,987).

Benz discloses methods for forming fibrous webs on a modified drainage surface which causes the formation of apertures therein. Known constructions for foraminous drainage

Art Unit: 1731

members such as conventional woven wire cloths are modified to form the drainage surface.

Figure 12 shows a modified drainage member, having a plurality of closed areas. The modified drainage member 26 includes flow control members 31 made of a thermosetting material. The members are deposited onto predetermined areas of the drainage member to close off those areas. The method of forming and depositing the flow control members includes deposition of a filler material that is subsequently removed by water or solvent means, leaving behind the thermosetting material that makes up the flow control members. See particularly column 17, lines 27-41, column 18, lines 15-21 and 37-51, and column 19, lines 27-45.

6. Claims 1-3, 6, 8, 13, 39-41, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Greiner et al (US 3,034,180)

Greiner discloses a forming wire for making apertured web products, such as paper. The forming wire 24 has fixed thereto a plurality of upwardly extending protuberances in the shape of cones 34 (Figures 4, 6, 7). The cones provide masked out areas on the forming wire. The web produced by deposition of fibers upon the wire has apertures corresponding to the cones. The protuberances can take the form of any shape or arrangement depending on the desired web pattern (compare Figures 12 and 13), thus the cones shown in Figure 7 can be easily replaced by other protuberances. Therefore, the structure of a forming wire (fabric) can be purposely modified so that the resulting structure of the (paper) web is changed.

Allowable Subject Matter

Claims 32-36 are allowed.

Claims 4, 5, 10-12, 16-19, 21, 22, 24, 25, 28, 30, and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 4 and 5 are allowable for providing that the fabric is modified without removing the fabric from the papermaking machine.

Claims 10-12 and 43 are allowable for thermally modifying the fabric surface by heating the surface, reconfiguring the surface, and cooling the surface.

Claims 16-19, 21, 22, 24, and 25 are allowable for further providing the claimed means of removing material from the web-contacting surface.

Claims 28 and 30 are allowable for modifying the throughdrying fabric on-line.

Claims 32-36 are allowed, because the prior art does not disclose or suggest making a first tissue web with a throughdrying fabric having a first texture, modifying the fabric from the first texture to a second texture, then making a second tissue with the throughdrying fabric having the second texture.

Art Unit: 1731

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Helland (US 3,652,389) discloses a fabric structure that can be modified to change its permeability.

Johnson (US 6,569,290) discloses a molded modular link papermaking fabric with replaceable parts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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